IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Appn. No. 731 of 2006

Sanjay Verma S/o Shyam Lal Verma
R/o 43, Haripur Kalan, Kanwali Road,
Dehradun.

…….. Applicant

Versus

1. State of Uttaranchal
2. Addl. Family Jude, Roorkee,
   District Haridwar.
3. Smt. Ritu Verma W/o Sanjay Verma
   D/o Rajendra Kumar,
   R/o 471, Purani Tehsil, Roorkee,
   District Haridwar.

…… Respondents

Mr. Pawan Kumar, Advocate for the applicant.
Mr. Ajay Bhatt, Asstt. Govt. Advocate for the State.

Hon. Prafulla C. Pant, J.

Heard learned counsel for the parties.

2) By means of this petition moved under Section 482 of the Code of Criminal Procedure, 1973, the applicant / petitioner had challenged the order dated 3rd August, 2006, passed by learned Additional Judge, Family Court, Roorkee, whereby in case No. 03 of 2005, the applicant's application No. 55-C has been allowed under Section 10(3) read with Section 14 of the Family Courts Act, 1984. By said order one Anjali Tiwari has been allowed to be examined in evidence.

3. After going through the impugned order, it is found that Smt. Ritu Verma (respondent No.3), wife of present applicant, is seeking maintenance under Section 125 of the

Cr.P.C. from her husband (the present applicant). In said case, it appears that respondent No. 3 (Ritu Verma) sought to examine Anjali Tiwari, with whom the applicant (husband) is said to have been living in adultery. An affidavit was also filed by the sister of said lady.

4) In the above circumstances, the exercise of power by the court below under Section 10(3) read with Section 14 of the Family Courts Act, 1984, cannot be said to be against the law.

5) For the reasons, as discussed above, the petition under Section 482 of the Code of Criminal Procedure, 1973 is dismissed in limine.

(Prafulla C. Pant, J.)

Dt. 07th September, 2006.
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